595 she herself urges her husband to take another wife who will share some of the housework and relieve the situation. As a result, polygamy in this form resembles an association in which, through division of labor, each person seeks to provide his own support and to contribute to the general welfare.

Second marriages are identical with first marriages except that they are celebrated with somewhat less ostentation. Furthermore, a married man is more independent of his community in the material sense, and sometimes he is likewise more independent of the wife.

II. Other Types of Conjugal Union

588 595 Besides marriage there are innumerable kinds of conjugal unions, such as agreements between capable individuals, that at times have legal consequences, some of which are even extensive. All these kinds may be grouped as two types: concubinage and free union.

595 Concubinage. This is a union in which at least one of the parties is a slave. It is very common for a master to treat one or more of his slaves like wives. Some men like the arrangement because it does away with all the difficulties arising from the bride price and the often exasperating involvements with an affinal family. Concubinage practiced by a free man has the disadvantage, however, of [205] his children being his slaves, since children retain their mother's status. It is true that this custom has been circumvented. It is accepted that the female slave is regarded as free once she has borne a child to a free husband and he has recognized it. This, however, does not erase the original stigma; children borne of free wives always [578] consider themselves superior to their siblings whose mother was a slave. Family tensions arise out of this, which become acute upon the death of the fa.

Concubinage, practiced on a large scale by free men, has, indeed, perverted all the communities. Polygamous households have had grave difficulties because the wives, being different in rank and yet forced to live side by side, have sacrificed everything to their resentments and hatreds.

588 583 Free union. This type of union rests on simple consent by the two parties without any bride price.

In principle a woman who has ceased to belong to a husband belongs to her original community, and she can make no decisions concerning her future without its consent. If she ignores this, the community can always intervene to force her to break off any engagement she may have made, and to this end it may use any means of absolute control.

This suffices to explain why a man who agrees to a union of this kind usually finds himself in the most serious difficulties. Not only can his wife and children be taken from him without [672] redress, but he can be sued for damages by the community to which the woman belongs.

It does sometimes happen, however, that certain women are released from the authority of their communities. These include women who are sole survivors of a community and, more commonly, those who have bought their freedom by dubious means. A free man who lives with such women achieves a union that to a great extent has the same effect as marriage. [206]

The Family

592 583 The household. The lawful household is based on marriage. In order to grasp its essence, account must be taken of the interplay of two elements which are perfectly distinct but always closely involved in all human affairs: interest and sentiment. In a lawful household the essential interest is the bride price whose nature must be defined in order to understand its overwhelming importance.

583 Bride price is what is paid in exchange for a wife. It is understood that the status of the woman thus handed over does not change; if she was free before the event, she is still free after the payment of the bride price.

586 The marriage tie is such that it can always be broken by one or the other party; the one breaking the contract simply loses the bride price in the sense that if the husband initiated the rupture he cannot expect anything already paid to be returned. If the initiative was taken by the wife (or her community), then she must return what has been paid. Whatever the cause of rupture, however, the children always belong to the husband.